

1 MICHAEL A. JACOBS (CA SBN 111664)  
MJacobs@mofo.com  
2 ARTURO J. GONZÁLEZ (CA SBN 121490)  
AGonzalez@mofo.com  
3 ERIC A. TATE (CA SBN 178719)  
ETate@mofo.com  
4 RUDY Y. KIM (CA SBN 199426)  
RKim@mofo.com  
5 MORRISON & FOERSTER LLP  
425 Market Street  
6 San Francisco, California 94105-2482  
Telephone: 415.268.7000  
7 Facsimile: 415.268.7522

8 KAREN L. DUNN (*Pro Hac Vice*)  
kdunn@bsflp.com  
9 HAMISH P.M. HUME (*Pro Hac Vice*)  
hhume@bsflp.com  
10 BOIES SCHILLER FLEXNER LLP  
1401 New York Avenue, N.W.  
11 Washington DC 20005  
Telephone: 202.237.2727  
12 Facsimile: 202.237.6131

13 Attorneys for Defendants  
UBER TECHNOLOGIES, INC.  
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,  
19 Plaintiff,  
20 v.  
21 UBER TECHNOLOGIES, INC.,  
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' NOTICE OF  
WITHDRAWAL OF MOTION FOR  
SUMMARY JUDGMENT OF  
NON-INFRINGEMENT**

Date: June 7, 2017  
Time: 8:00 a.m.  
Ctrm: 8, 19th Floor  
Judge: The Honorable William Alsup

Trial Date: October 2, 2017

1 On May 2, 2017, Defendants Uber Technologies, Inc., Ottomotto LLC, and Otto  
 2 Trucking LLC (“Defendants”) filed a Motion for Summary Judgment of Non-Infringement  
 3 (“Motion”). In view of the Court’s rule on summary judgment motions stated during the hearing  
 4 on May 3, Defendants withdrew the portions of their Motion directed to the Spider design  
 5 (“Notice of Partial Withdrawal”) on May 12. (Dkt. 430.)

6 On May 17, Waymo LLC (“Waymo”) filed its opposition to Defendants’ Motion,<sup>1</sup> in  
 7 which Waymo expressly represented “that Waymo will not be asserting patent claims from the  
 8 ’922, ’464 or ’273 patent against the Fuji.” (Dkt. 449.) Based on such representation by Waymo,  
 9 Defendants hereby withdraw the entirety of their Motion.

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 11  
 12 Dated: May 18, 2017

MORRISON & FOERSTER LLP

13  
 14 By: /s/Michael A. Jacobs

MICHAEL A. JACOBS

15 Attorneys for Defendants  
 16 UBER TECHNOLOGIES, INC.  
 17 and OTTOMOTTO LLC  
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 26 <sup>1</sup> In its opposition, Waymo mischaracterizes Defendants’ Notice of Partial Withdrawal by  
 27 arguing that “Defendants do not dispute [that Spider] uses a common lens to transmit and receive  
 28 light.” (Dkt. 449.) Contrary to Waymo’s suggestion, Defendants have not made any concessions  
 or admissions regarding whether a completed Spider design would have infringed  
 U.S. Patent Nos. 8,836,922, 9,285,464 and 9,086,273, and reserve their right to move for  
 summary judgment of non-infringement as to the Spider design at a later time.